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Appn. Ser. No.: 10/050,733
Atty Docket No.: 01-1521
Customer No.: 32127

REMARKS

Applicant submits this Response in response to the Office Action mailed September 20, 2005. Applicant has amended claims 1, 2, 4, 5, 9-12, 14 and 15, canceled claims 16-22 (without prejudice to re-presenting the subject matter of these claims at a later time), added new claims 23-28, and submitted replacement drawing sheets corresponding to original Figures 3-6. Claims 1-15 and 23-28 are currently pending. No new matter has been added.

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as (i) not showing the features of claims 6 and 7, and (ii) Figures 3-6 are unclear in the application. With respect to Figures 3-6, Applicant submits herewith clear copies of drawing sheets to replace the unclear versions currently in the PTO file. No new matter is added, and Applicant believes these clear copies address the Examiner's objection.

With respect to the objection based on claims 6 and 7, Applicant respectfully traverses this objection. To the extent this objection is understood by Applicant, Applicant points the Examiner to the specification, page 39, lines 8-24, which describes that "call screening information" can include, for example, a language restriction or a data rate (i.e. bandwidth) restriction. Thus there is adequate support for claims 6 and 7 in the specification as filed. If the Examiner is asserting that the figures must show the words "language information" or "bandwidth information" in association with, for example, arrow 328 of Figure 3, Applicant respectfully disagrees, as this is neither required under 35 U.S.C. § 113 nor helpful in understanding of the operation of the described embodiments. Applying a similar standard to these and the remaining dependent claims would make the Figures unclear. Applicant therefore respectfully requests that the Examiner withdraw the objections to the Drawings.

In the Office Action, the Examiner rejected claims 1-11, 13-14, 16-19 and 21-22 under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent No. 6,909,708 to Krishnaswamy et al. ("Krishnaswamy"), and rejects claims 12, 15 and 20 under 35 U.S.C. § 103(a) as unpatentable over Krishnaswamy in view of U.S. Patent No. 6,917,612 to Foti et al. ("Foti"). As Applicant

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has cancelled claims 16-22, the rejections as to these claims is moot. Applicant respectfully traverses the rejection of the remaining claims based on the following.¹

Krishnaswamy describes (among other things) “how a carrier class [Voice over the Internet] service could be offered.” (Krishnaswamy, col. 78, lines 41-50.) Four cases are described: “1. PC to PC; 2. PC to PSTN; 3. PSTN to PC; and 4. PSTN to PSTN.” (Id., col. 80, lines 53-57.) In the PC to PC case, Krishnaswamy notes that “customers would register with the directory service (for a fee, with recurring charges) and would make their location (IP address) known to the directory system whenever they connect to the Internet and want to be available for calls. . . . The directory service is envisioned as a distributed system, somewhat like the Internet Domain Name System, for scalability. This is not to imply, necessarily, the user@gfoo.com format for user identification.” (Id., col. 81, lines 5-19.)

In describing PSTN to PC calling, Krishnaswamy describes a service that uses a directory service to identify the called PC, but not to store information concerning the PSTN caller (which is stored by the PSTN). (Id. col. 84, lines 43-52.) In order to properly bill for service, the service is described as using a “second dial tone” a PSTN caller attempting to reach an Internet-connected PC will dial in to a “dial service” (e.g., an 800 or 900 service), provide billing information and the destination “phone number.” (Id., col. 84, lines 58-65.) Krishnaswamy acknowledges, however, that specifying destinations is an “open issue,” and posits a “best approach” of assigning a dedicated area code to Internet destinations for each carrier (which would avoid the use of second dial tone). (Id., col. 85, lines 1-23.) Krishnaswamy notes, however, that this implementation is “complicated” by number portability, and notes that a “country code” for Internet calls may be a solution. (Id., col. 85, lines 29-38.) Nowhere does Krishnaswamy describe the use of local number portability triggers to interface with an Internet-based call party.

¹ As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicant’s silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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In contrast to the system and methods described in Krishnaswamy, claim 1 recites a method that includes:

- activating a local number portability trigger set at a telephone switch included in said public telephone network, the local number portability trigger being responsive to calls received by said telephone switch directed to said first telephone number;
- pausing call processing at said telephone switch in response to activation of said trigger;
- accessing a database maintained in said Internet Protocol network to obtain therefrom information associated with the first telephone number; and
- controlling completion of said call by said telephone switch as a function of the information obtained from said database.

Krishnaswamy neither teaches nor suggests such a method. For example, Krishnaswamy does not describe “activating a local number portability trigger set at a telephone switch included in said public telephone network, the local number portability trigger being responsive to calls received by said telephone switch directed to said first telephone number,” as recited in claim 1. At best, Krishnaswamy describes connection of calls from the PSTN to an Internet-based calling party through the use of a dedicated area code or country code for the Internet and assigned to the calling party. No discussion of using a local number portability trigger is provided in Krishnaswamy. The absence of at least these claim elements precludes anticipation of claim 1, and Applicant therefore respectfully requests that the Examiner withdraw the rejection of claim 1. As claims 2-11 and 13-14 depend from claim 1, and therefore include all of the limitations of claim 1, Applicant believes claims 2-11 and 13-14 to be patentable over Krishnaswamy for at least the same reasons as claim 1,² and therefore respectfully requests that the Examiner withdraw the rejections of claims 2-11 and 13-14 as well.

In rejecting claims dependent claims 12 and 15, the Examiner has cited Foti as describing “using Enum to contact a device in said Internet Protocol network which is responsible for retrieving information from said database.” (Office Action, p. 9.) However, Foti does not cure the

² As Applicant’s remarks with respect to the base independent claims are sufficient to overcome the Examiner’s rejections of all claims dependent therefrom, Applicant’s silence as to the Examiner’s assertions with respect to dependent claims is not a concession by Applicant to the Examiner’s assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

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deficiencies of Krishnaswamy noted above, and Applicant therefore respectfully requests that the Examiner withdraw the rejections of claims 12 and 15 for at least the same reasons as claim 1.

Applicant has presented new claims 23-28. These claims are fully supported by the specification, and represent additional patentable subject matter in light of the cited art. Favorable consideration is requested.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,



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